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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,182	11/26/2003	Yong Hee Kim	K-0575	6421
34610	7590	11/15/2007		
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER RIGGLEMAN, JASON PAUL	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,182	Applicant(s) KIM, YONG HEE	
	Examiner Jason P. Riggleman	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-7, 9-15, 17, 19-21, 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 9-15, 17, 21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 5-7, 19-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant's amendment's, filed 8/30/2007, with respect to claims have been fully recieved. Claims 1, 3, 5-7, 9-15, 17, 19-21, and 23-28 are pending. Claims 2, 4, 8, 16, 18, 22, and 29-30 are cancelled. Claims 1, 5, 9-12, 15, 17, 19, 21, and 23-26 are amended.

Response to Arguments

2. Applicant's amendment's, filed 8/30/2007, with respect to claims have been fully considered. In light of the cancellation of claims 29-30, the corresponding 112, second paragraph, rejections are withdrawn. The applicant has amended independent claims 1 and 15 to incorporate the limitations of claims 8 and 22 which were indicated as containing allowable subject matter (and all intervening claims), corresponding to the embodiment in Fig. 8. The previous rejections are withdrawn; however, a new grounds for rejection has been found.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3, 9, 17, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. The applicant has amended the independent claims to incorporate the embodiment seen in Fig. 8. The dependent claims of 3, 9, 17, and 23 are mutually exclusive embodiments to Fig. 8.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 9, 17, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how two mutually exclusive embodiments, Fig. 8 vs. Fig. 9 can be claimed at the same time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 10-15, 21, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahrling (US Patent Application Publication No. US2003/0075517) in view of Doecke (US Patent No. 3726581).

7. Jahrling teaches a dishwasher having a washing chamber. A rack is movably installed in the washing chamber to hold the tableware, Fig. 10. A height adjustment device is configured to move the rack upward and downward. The height adjustment rack comprises a supporter that fixes the height adjustment device to the rack. The

height adjustment rack also comprises a guide panel (4) coupled to the supporter (9) to guide upward and downward movement of the supporter. There are first and second support parts formed at the supporter and the guide panel, respectively, to fix the supporter to a predetermined portion of the guide panel wherein the second support part has a first incline portion (index notch 5) having an upward incline plane at the guide panel. Also the second support part has a second incline portion (index stop 7) having a downward incline plane at one side of the supporter wherein the second incline portion slides to be brought into contact with the incline plane of the first incline portion to be caught on the first incline portion when the first incline portion moves upward and wherein a stopper is formed at the supporter and the guide panel so that the supporter is unable to move further upward when the second incline portion is caught on the first incline portion, see coupling of index stops (7) and index notches (5), Fig. 10. The guide panel (4) is coupled to the guide rail (2), Fig. 10. The rack comprises a multitude of wires crossing to be connected to each other and wherein a plurality of hooks are formed at the supporter to fix the upper lateral wires of the rack thereto. A plurality of "hook-shaped" protrusions (12) are formed at the supporter to fix the lower lateral wire of the rack. The supporter is formed of a plastic (synthetic material).

8. Jarhling does not teach guide rollers fixed to both confronting sidewalls of the washing chamber; a guide rail provided between the plurality of guide rollers and configured to slide back and forth; the height adjustment device coupled to slide on the guide rail; and the height adjustment device is provided to slide on the guide rail.

Doepke discloses the washing chamber, rack (Fig. 1), plurality of guide rollers fixed to

both walls (Fig. 3, Items 25), a guide rail (23) fixed between rollers, height adjustments means (18) for moving the rack upward and downward slides on the guide rail (col. 3, see entire document). Doepke further discloses the supporter (19) and the guide panel (35) which is coupled to slide on one side of the supporter, which also guides upward and downward movement of the supporter, and first and second support parts (Fig. 5-7; Items 31, 32, 41, 42) to fix the supporter and a roller (22) fixed to the guide panel to slide along the guide rail. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jarhling with Doepke to create a dishwashing basket with both integral vertical and horizontal displacement means to achieve the expected result.

9. In regards to claims 13-14, Jarhling, as modified by Doepke does not teach a reinforcing rib for the protrusion; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jarhling, as modified by Doepke, to create a strong hooking means to achieve the expected result.

10. In the event that the applicant argues that the hooks and inclined portions are not mutually exclusive (both are present in the preferred embodiment) – then these are obvious variants since the duplication of parts (hooks vs. slanted portions) would have been obvious to one of ordinary skill in the art at the time of the invention and claims 3, 9, 17, and 23 would be rejected on these grounds.

Allowable Subject Matter

11. Claims 5-7 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jason P Riggleman
Examiner

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JPR



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SUPERVISORY PATENT EXAMINER